

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**DIANA LEWIS,**

Plaintiff,

vs.

Civ. No. 06-434 WJ/ACT

**D. R. HORTON, INC.,**

Defendant.

**MAGISTRATE JUDGE'S PROPOSED FINDINGS AND RECOMMENDED  
DISPOSITION**

**THIS MATTER** comes before the Court on Defendant D. R. Horton Inc.'s ("Horton") Motion for Spoliation Sanctions filed November 5, 2007 [Doc. 94]. An Order of Reference referring this matter to the undersigned was filed on May 21, 2008 [Doc. 141].<sup>1</sup>

1. The Court entered a recommended disposition on a dispositive motion recommending that Horton's Motion for Summary Judgment No. 1: Motion for Summary Judgment on Liability with Respect to all Claims be granted and Plaintiff's Complaint for Sex Discrimination and all her claims therein be dismissed with prejudice [Doc. 143]. Plaintiff filed objections to the Court's proposed findings and recommended disposition [Doc. 144].

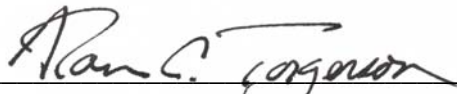
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<sup>1</sup>Pursuant to 28 U.S.C. § 636(b)(1)(C) within ten (10) days after a party is served with a copy of these proposed findings and recommended disposition that party may file objections to such proposed findings and recommendations with the Clerk of the United States District Court, 333 Lomas, N.W., Albuquerque, NM 87102. A party must file any objections within the ten (10) day period allowed if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.

2. The Court will recommend that Horton's Motion for Spoliation Sanctions be taken under advisement pending a ruling by the District Judge on the Court's recommended disposition and Plaintiff's objections to the recommended disposition.

**RECOMMENDED DISPOSITION.**

3. The Court recommends that Horton's Motion for Spoliation Sanctions be taken under advisement pending a ruling by the District Judge on the Court's recommended disposition [Doc. 143] and Plaintiff's objections to the recommended disposition [Doc. 144].

  
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**ALAN C. TORGERSON**  
**UNITED STATES MAGISTRATE JUDGE**